

responsibility of the county. However, there are about three points that need to be made. The statute is silent, it is silent on the issue of responsibility for costs incurred for treatment of a defendant after the commitment. The statutes say that the cost of the commitment and evaluation must be paid for by the county. It is silent on the cost of the commitment...cost of the treatment after commitment. Nowhere does the statute say anything. Point two, the legislative history of Section 29-1823 is silent on the issue of whether or not after the commitment is made who should pay for it. The statute is silent and the legislative history of that statute is silent. And the third basic major point is the issue is not discussed in any reported Nebraska opinion to this date. I would like to point out that the Attorney General has a decent argument that Nebraska Revised Statute 29-1004 makes such costs a county responsibility. Therefore, a good position that I think the Legislature can take is this bill simply clarifies what is silent. What this bill does, in essence, members of the body, is it goes into the statute in a section that says, you know, that the treatment of...the evaluation and the cost of commitment will be made...borne by the county, that section that...the section is totally silent on who pays and bears the burden after that commitment, where this bill will clarify that. This bill will say, if commitment occurs, then the cost of the treatment at that particular point will be borne by the State of Nebraska. If, in fact, the person in question is then released from that commitment and it goes back to the trial process, then, obviously, that cost again, by clarification of the statute, would be borne by the counties. Okay, part of the problem that the counties are having, and I will be quite honest, I like to be up front on all issues, part of the problem is that it's totally impossible for many...for most, and I would say almost all of rural counties to budget for such an item as this. How do you budget for someone that's going to commit a crime, that will be deemed mentally incompetent, and will have a 40, 60, \$100,000 bill? How do you budget for that? In most counties, that doesn't occur, but when it does occur it totally annihilates the budget. Statistics that I handed out to the body show the tremendous variations and costs if you take it even statewide. They go from 34 percent increase one year to a 6 percent increase to a minus .4 percent to a 13. The changes are nowhere possible to be planned for. And at the counties and municipalities and the areas where you're at maximum levy or close to because of railroad...the difficulty we have on railroad lawsuits and everything else, this is something that